

United States District Court

**EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

§

vs.

§

Case No. 4:06cr230
(Judge Crone)

JAMES WILLIAM TRAVIS

§

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on November 13, 2012, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Ernest Gonzalez.

On March 13, 2007, Defendant was sentenced by the Honorable Michael H. Schneider to seventy (70) months' custody followed by three (3) years of supervised release for the offense of Felon in Possession of a Firearm. On August 18, 2011, Defendant completed his period of imprisonment and began service of his supervised term.

On October 24, 2012, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated various mandatory, standard, and special conditions. Violation allegations one, two, four, and five were dismissed by the Government. The petition alleged violation of the following additional standard condition: that defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substances or any paraphernalia related to any controlled substances, except as prescribed by a physician. The petition alleged violation of the following additional special condition: the defendant shall abstain from the use of alcohol and/or all other intoxicants during and

after completion of treatment.

Prior to the Government putting on its case, Defendant entered a plea of true to the remaining allegations. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve (12) months with no supervised release to follow. It is also recommended that Defendant be housed in the El Reno unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 14th day of November, 2012.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE